

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LESLIE J. SHAW,

Plaintiff,

v.

CITIMORTGAGE, INC.; et al.,

Defendants.

3:13-CV-0445-LRH-VPC

ORDER

Before the court is plaintiff Leslie J. Shaw's ("Shaw") motion for leave to file an amended complaint. Doc. #19.¹

I. Facts and Procedural History

This is a wrongful foreclosure and breach of contract action brought by Shaw against defendants. On July 26, 2013, Shaw filed a complaint against defendants in state court. Doc. #1, Exhibit 1. Defendants removed the action to federal court on the basis of diversity jurisdiction (Doc. #1) and subsequently filed a motion to dismiss (Doc. #17). Thereafter, Shaw filed the present motion for leave to file an amended complaint. Doc. #19.

///

///

¹ Refers to the court's docket entry number.

1 **II. Discussion**

2 A party may amend its pleadings after a responsive pleading has been filed by leave of
3 court. FED. R. CIV. P. 15(a)(2). Leave of court to amend should be freely given when justice so
4 requires and when there is no undue delay, bad faith, or dilatory motive on the part of the moving
5 party. *See Wright v. Incline Village General Imp. Dist.*, 597 F.Supp.2d 1191 (D. Nev. 2009); *DCD*
6 *Programs, LTD v. Leighton*, 883 F.2d 183 (9th Cir. 1987).

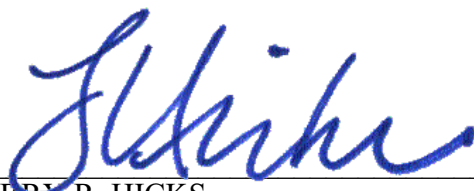
7 Here, Shaw requests leave to amend his complaint to add additional causes of action against
8 defendants and fix several pleading defects identified in defendant's motion to dismiss.
9 *See* Doc. #19. The court finds that there is no undue delay, bad faith, or dilatory motive on behalf of
10 Shaw in requesting leave to amend his complaint. Further, the court finds that the matter is early in
11 litigation and that the defendants would not be prejudiced by allowing amendment. Accordingly,
12 the court shall grant Shaw's motion for leave to file an amended complaint.

13
14 IT IS THEREFORE ORDERED that plaintiff's motion for leave to file an amended
15 complaint (Doc. #19) is GRANTED. Plaintiff Leslie J. Shaw shall have ten (10) days after entry of
16 this order to file an amended complaint.

17 IT IS FURTHER ORDERED that defendant's motion to dismiss (Doc. #17) and motion for
18 judgment on the pleadings (Doc. #25) are DENIED without prejudice.

19 IT IS SO ORDERED.

20 DATED this 29th day of March, 2014.

21
22 
23 LARRY R. HICKS
24 UNITED STATES DISTRICT JUDGE
25
26